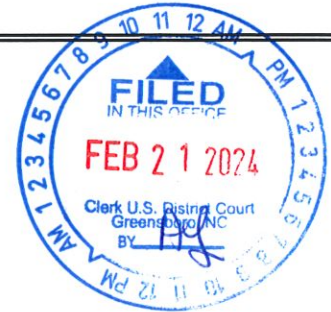


UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Division



Daniel Ornat

Case No.

24CV125

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ NoMerck & Co., Inc.
Insight Global LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Daniel Ornat
Street Address	714 W Front St
City and County	Burlington Alamance
State and Zip Code	North Carolina
Telephone Number	7702858834
E-mail Address	danielornat@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Merck & Co.
Job or Title <i>(if known)</i>	
Street Address	5325 Old Oxford Rd
City and County	Durham Durham
State and Zip Code	NC 27712
Telephone Number	(908) 740-4000
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Insight Global, LLC - Raleigh
Job or Title <i>(if known)</i>	
Street Address	4208 SIX FORKS RD STE 840
City and County	Raleigh Wake
State and Zip Code	NC 27615-6417
Telephone Number	(855) 485-8732
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Merck Sharp + Dohme LLC Registered Agent: GT Corporation System
Job or Title <i>(if known)</i>	
Street Address	160 Mine Lake Ct Ste 200
City and County	Raleigh Wake
State and Zip Code	NC 27615
Telephone Number	(908) 740-4000
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Insight Global, LLC Registered Agent: GT Corporation System
Job or Title <i>(if known)</i>	
Street Address	160 Mine Lake Ct Ste 200
City and County	Raleigh Wake
State and Zip Code	NC 27615
Telephone Number	(855) 485-8732
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	MERCK & CO INC
Street Address	5325 OLD OXFORD RD
City and County	Durham Durham
State and Zip Code	NC 27712
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law *(specify the federal law)*:

☒ Relevant state law *(specify, if known)*:

Wrongful termination in violation of public policy, and Fraudulent misrepresentation

☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
02-19-2021 Through 07-15-2021

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
Narcoplepsy _____

E. The facts of my case are as follows. Attach additional pages if needed.

See Attachment

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

07/16/2021

-
- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 02/17/2024 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back Wages of at least 6,215.90 Amount of wages lost
Damages of at least 3,144,960 The amount lost from disability claim denial
Punitive Damages of At least 50,000 as recommended by the EEOC
At least A letter of apology from "Kevin Benfer" Director for Insight Global, and from Luis, and Caleb Foust at Merck.
Additional Punitive damages: At least 2,000,000 to be donated to a non profit helping people with Narcolepsy.
All Attorneys fees associated with this Claim.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

02/20/2024 DO 02/21/2024

Signature of Plaintiff



Printed Name of Plaintiff

Daniel Ornat

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

The facts of my case are as follows.

Starting on or about February 19, 2021, through on or about February 22, 2021, I was denied a reasonable accommodation, and on February 22, 2021, my assignment as a HVAC Mechanic at Merck was terminated, and as of today, Insight Global has failed to find me another assignment. Both my employment with Merck and Insight Global started on August 7, 2020. To the best of my knowledge, Insight Global employees over 1,000 people and Merck employees over 50,000 people. On February 19, 2021, My Manager told me that my position was being eliminated and starting February 23, 2021, I was to start the night shift. I explained to the Manager that because of my disability, I could not work night shift, and both Merck and Insight Global was aware of it. The Manager checked with his supervisor and reported back to me that based on business need, there was no day shift work. However, during this restructuring there were two day positions and four night positions available. I communicated with Kayla Hoffay, the Insight Global Account Manager to keep them aware. I was told because I did not want to go to night shift my contract was terminated. When I handed my manger my doctors note, that said I needed to work day shift because of my disability, his supervisor took it , threw it in the trash saying he did not care. The nature of my disability is Narcolepsy. I filed a complaint with the EEOC and they found cause.